IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

MISC.CIVIL APPLICATION - FOR TRANSFER No. 1176 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE P.B.MAJMUDAR

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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GOHIL MINAXIBA @ MINABA YOGENDRASINH
Versus
DHARMENDRASINH BACHUBHAI JADEJA

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Appearance :
MR DHARMESH V SHAH for Applicant.
MR KIRTIDEV R DAVE for Opponent No. 1.
MR RAHUL K DAVE for Opponent No. 1.

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CORAM : HONOURABLE MR.JUSTICE P.B.MAJMUDAR

Date : 07/07/2006

ORAL JUDGMENT

RULE. Mr.K.R.Dave, learned advocate waives service of rule on behalf of the opponent. With the consent of the parties, matter is taken up for final hearing today.

By filing this application, the applicant has prayed that Hindu Marriage Petition No.10/2005 pending before learned Civil Judge (S.D.), Gandhidham – Kutch may be transferred to Bhavnagar Court.

Present applicant is the wife of the opponent and the opponent has instituted Hindu Marriage Petition before Civil Court at Gandhidham-Kutch for getting decree for divorce. Mr.D.V.Shah, learned advocate for the applicant submitted that the applicant finds it difficult to go to Gandhidham – Kutch for attending the aforesaid case, as she apprehends that it will not be safe for her to go to Gandhidahm – Kutch.

On the other hand, Mr.Dave, learned advocate for the opponent submitted that the apprehension of the applicant is not genuine, however, he submitted that his client has no objection if Hindu Marriage Petition No.10/2005 pending before learned Civil Judge (S.D.), Gandhidham – Kutch is transferred to Bhavnagar District Court. He, however, submitted that since his client is serving in a private employment, if he is required to travel frequently to Bhavnagar, it may come in his way in his employment. He, therefore, requested that the aforesaid proceedings may be disposed of as expeditiously as possible, so that his client is not required to go to Bhavnagar frequently.

Under these circumstances, Hindu Marriage Petition No.10/2005 pending before learned Civil Judge (S.D.), Gandhidham – Kutch is ordered to be transferred to the District Court, Bhavnagar. Papers of Hindu Marriage Petition No.10/2005 may be transferred from Gandhidham – Kutch Court to Bhavnagar Court without any delay. On such transfer learned Principal District Judge, Bhavnagar may assign Hindu Marriage Petition No.10/2005 to the appropriate Court taking such matters. Considering the submission of Mr.Dave as well as

considering the fact that this is a matrimonial matter, the same is required to be decided at the earliest and accordingly after transfer aforesaid Hindu Marriage Petition may be decided at the earliest and latest by 31st December, 2006.

In view of what is stated herein above, this Misc. Civil Application is allowed. Rule is made absolute with no order as to costs. Writ to be sent to the learned Principal District Judge, Gandhidham – Kutch forthwith for transferring papers of Hindu Marriage Petition No.10/2005. Writ may also be sent to learned Principal District Judge, Bhavnagar forthwith. Since the matter is ordered to be disposed of within the stipulated time, registry of the concerned Court may do the needful to see that the matter is transferred and received by the concerned Court without any delay.

(P.B.MAJMUDAR, J.)

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